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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 2547/2024**

MOHIT SINGH SHEKHAWAT

..... Petitioner

Through: Mr. Parth Sharma, Mr. Vaibhav Mishra, Mr. Yogesh Chauhan and Mr. Vikrant Sirohi, Advs. with petitioner in person.

versus

STATE (GNCTD) & ANR.

..... Respondent

Through: Mr. Raj Kumar, APP for State with SI Kavish Rana PS Laxmi Nagar, Delhi Mr. Ankur Mr. Rishi Sharma, Mr. Bishnu Prasad Dobhal, Mr. Dopesha Jindal, Advs. for R2 with respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

17.05.2024

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1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.773/2011 under Sections 279/304A IPC registered at Police Station Shakarpur and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.



3. The status report has been handed over in Court the same is taken on record.
4. The petitioner, as well as, respondent no. 2 (complainant) are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Kavish Rana PS Laxmi Nagar, Delhi
5. The brief facts of the case are that the FIR was registered on a statement given by the respondent no. 2 wherein he stated that on 04.10.2011 he along with his 04 friends and brother i.e. Prince were going to ramleela ground to watch ramleela. At around 11.15 PM when all of them reached Yamuna Bridge ITO, Mohit Singh (petitioner herein) who was driving his bike in a rash and negligent manner, hit his bike on the backside of another friend's (Brij Gupta's) bike, due to which brother of the respondent no. 2 suffered injuries. He was taken to the hospital but later on he succumbed to his injuries.
6. During the pendency of the proceedings, the parties who are friends and neighbours arrived at a settlement, terms whereof were reduced in writing in the form of memorandum of understanding dated 16.03.2024 which is annexed as Annexure P3 to the present petition.
7. It is recorded in the said memorandum of understanding that the parties have arrived at a settlement and the respondent no. 2 has no objection in case the FIR is quashed. The respondent no. 2 who is present in Court affirms the factum of settlement.
8. The respondent no.2, on a query put by the Court, states that he has no objection in case the FIR is quashed.
9. At this stage, apt would it be to refer to the observations of the Supreme Court in ***Gian Singh v. State of Punjab, (2012) 10 SCC 303:***



(SCC p. 340, para 58)

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

10. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.

11. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

12. Consequently, the petition is allowed and FIR No.773/2011 under Sections 279/304A IPC registered at Police Station Shakarpur along with all other consequential proceedings emanating therefrom, is quashed.

13. The petition stands disposed of in the above terms.

14. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

MAY 17, 2024

N.S. ASWAL